

Message Text

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PAGE 01 STATE 005301
ORIGIN L-01

INFO OCT-01 SS-15 ISO-00 OES-02 EUR-08 ARA-06 AF-04 NEA-07
EA-06 DLOS-02 SAL-01 IO-06 EB-03 SIG-01 INR-05 CIAE-00
NSCE-00 NSC-05 /073 R

DRAFTED BY L/EUR:DAGANTZ
APPROVED BY L:MBFELDMAN
L/OES:BOXMAN
L/AF:MMATHESON (INFO)
L/ARA:FWILLIS (INFO)
L/NEA:DSMALL (INFO)
L/EA:EVERVILLE (INFO)
OES:RTSCULLY (INFO)
EUR/CAN:JROUSE (DRAFT)
-----110424Z 130879 /72-62

P R 102347Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY BONN PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY COTONOU PRIORITY
AMEMBASSY DAKAR PRIORITY
AMEMBASSY DAMASCUS PRIORITY
AMEMBASSY LAGOS PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY MADRID PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
AMEMBASSY MOSCOW PRIORITY
AMEMBASSY NEW DELHI PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY TOKYO PRIORITY
AMEMBASSY WARSAW PRIORITY
INFO AMEMBASSY OTTAWA
AMEMBASSY THE HAGUE

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LIMDIS

E.O. 11652: GDS

TAGS: PLOS, PBOR, PFOR, ICJ, CA

SUBJECT: POSSIBLE CANADA-US ICJ SUBMISSION ON OFFSHORE

-- BOUNDARY QUESTION

1. AS MOST ADDRESSEES ARE AWARE THE UNITED STATES AND CANADA HAVE FOR SOME TIME BEEN NEGOTIATING THE QUESTION OF THE FOUR US-CANADA OFFSHORE BOUNDARIES (FISHERIES ZONE AND CONTINENTAL SHELF). DIFFERENT LINES HAVE BEEN PUBLISHED BY THE TWO COUNTRIES, PARTICULARLY IN THE GULF OF MAINE, WHERE CANADA HAS PUBLISHED AN EQUIDISTANT LINE AND THE US HAS PUBLISHED A LINE EMBRACING ALL OF GEORGES BANK BASED ON NATURAL PROLONGATION FROM OUR COAST AND PROPORTIONALITY TO THE RESPECTIVE LENGTHS OF COASTLINE OF THE TWO COUNTRIES. DUE TO LACK OF PROGRESS TO DATE IT IS NOW BECOMING INCREASINGLY POSSIBLE THAT RESOLUTION OF THESE BOUNDARY DISPUTES MAY BE SOUGHT THROUGH SOME MUTUALLY ACCEPTABLE THIRD PARTY PROCEEDING. A LEADING POSSIBILITY WOULD, OF COURSE, BE SUBMISSION OF THE MATTER TO THE INTERNATIONAL COURT OF JUSTICE AT THE HAGUE, OR TO A SUBGROUP OF THAT COURT. HOWEVER, DEPT DETERMINATION AS TO RELATIVE DESIRABILITY OF ICJ, OR SOME OTHER THIRD PARTY PROCEEDING, WILL DEPEND IN SUBSTANTIAL PART ON ANALYSIS OF OUR CHANCES FOR SUCCESS BEFORE ICJ.

2. IN ORDER FOR DEPT TO MAKE AN INTELLIGENT JUDGMENT ON THIS QUESTION, WE WILL NEED AS MUCH INFORMATION AS WE CAN REASONABLY OBTAIN ON THE CURRENT MEMBERS OF THE ICJ, THEIR VIEWS ON LAW OF THE SEA (PARTICULARLY DELIMITATION) ISSUES, ANY ECONOMIC ZONE OR SHELF DELIMITATION PROBLEMS OF THE COUNTRY OF WHICH THEY ARE NATIONALS WITH NEIGHBORING STATES, RELEVANT ASPECTS OF THEIR GENERAL LEGAL

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PHILOSOPHIES, THEIR RELATIONSHIP TO THEIR RESPECTIVE FOREIGN MINISTRIES, IF ANY, AND THE LIKELIHOOD OF THEIR SEEKING OR ACCEPTING GUIDANCE FROM THEIR NATIONAL GOVERNMENTS. IN ADDITION, WE WOULD WISH TO KNOW THE MANNER IN WHICH THE PARTICULAR JUDGES AND THEIR HOME COUNTRIES (ADDRESSEES) WOULD TEND TO VIEW A DISPUTE BETWEEN THE UNITED STATES AND CANADA. (WE SUSPECT THAT, ALL OTHER THINGS BEING EQUAL, MANY LDC'S MIGHT FAVOR CANADIAN POSITIONS SIMPLY BECAUSE CANADA HAS BEEN EFFECTIVE IN CEMENTING ITS RELATIONS WITH THE THIRD WORLD.) IN SHORT, WE WOULD LIKE TO AMASS ALL POSSIBLY RELEVANT INFORMATION ON THE ICJ JUSTICES AS WELL AS RELEVANT INFORMATION ON THE POSITIONS OF THEIR COUNTRIES ON RELEVANT ISSUES.

3. PLEASE PROVIDE INFORMATION REQUESTED ABOVE AS PROMPTLY AS POSSIBLE. WE WOULD APPRECIATE A PRELIMINARY REPORT BY JANUARY 17, ALONG WITH AN INDICATION AS TO WHAT FURTHER RESEARCH WILL BE UNDERTAKEN. FOR YOUR INFORMATION, PRESENT MAKEUP OF THE COURT IS AS FOLLOWS:

PRESIDENT, E. JIMENEZ DE ARECHAGA, URUGUAY
VICE PRESIDENT, NAGENDRA SINGH, INDIA

JUDGES:

I. FORSTER, SENEGAL
A. GROS, FRANCE
M. LACHS, POLAND
H. C. DILLARD, UNITED STATES
L. IGNACIO-PINTO, BENIN
F. DE CASTRO, SPAIN
P. D. MOROZOV, USSR
SIR HUMPHREY WALDOCK, UNITED KINGDOM
J. M. RUDA, ARGENTINA
H. MOSLER, FEDERAL REPUBLIC OF GERMANY
T. O. ELIAS, NIGERIA
S. TARAZI, SYRIA
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S. ODA, JAPAN
KISSINGER

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NNN

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ORIGIN L-01

INFO OCT-01 SS-05 ISO-00 INR-03 /010 R

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DRAFTED BY L/EUR:KSGUDGEON:EMB
APPROVED BY L/EUR:KSGUDGEON
INR/DDC/OIL:WCJONES (SUBS)
-----132347Z 034260 /62

R 131601Z JAN 77
FM SECSTATE WASHDC
TO DIRECTOR CIA

C O N F I D E N T I A L STATE 005301

LIMDIS

FOL RPT STATE 005301 ACTION BONN BUENOS AIRES COTONOU DAKAR
DAMASCUS LAGOS LONDON MADRID MONTEVIDEO MOSCOW NEW DELHI
PARIS TOKYO WARSAW INFO OTTAWA THE HAGUE 10 JAN QUOTE

C O N F I D E N T I A L STATE 005301

E.O. 11652: GDS

TAGS: PLOS, PBOR, PFOR, ICJ, CA

SUBJECT: POSSIBLE CANADA-US ICJ SUBMISSION ON OFFSHORE
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H. MOSLER, FEDERAL REPUBLIC OF GERMANY
T. O. ELIAS, NIGERIA
S. TARAZI, SYRIA
S. ODA, JAPAN
KISSINGER

UNQUOTE KISSINGER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONTINENTAL SHELF, NATURAL RESOURCES, WATER BOUNDARIES, NEGOTIATIONS, TWO HUNDRED MILE LIMIT
Control Number: n/a
Copy: SINGLE
Sent Date: 10-Jan-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE005301
Document Source: CORE
Document Unique ID: 00
Drafter: DAGANTZ
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770009-1040
Format: TEL
From: STATE
Handling Restrictions:
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Legacy Key: link1977/newtext/t19770165/aaaacfl.tel
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Litigation History:
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Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Classification: CONFIDENTIAL
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Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3630265
Secure: OPEN
Status: NATIVE
Subject: POSSIBLE CANADA-US ICJ SUBMISSION ON OFFSHORE -- BOUNDARY QUESTION
TAGS: PLOS, PBOR, PFOR, CA, US, ICJ
To: BONN BUENOS AIRES MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/3ce8b6db-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
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